

EXHIBIT

A

JACKSON V. UNISYS CORPORATION
CIV. A. NO. 08-3298 (E.D. Pa.)

DEFENDANT'S PRIVILEGE LOG
June 5, 2009

DATE	DESCRIPTION	STATUS	BASIS OF PRIVILEGE
Undated	Notes by Joseph Teklits	Withheld	Work Product
Undated	Timelines prepared by paralegal to assist in EEOC proceeding	Withheld	Work Product
Undated	E-mails to Tom Reiter, Lorraine Roskelly, and Carmon Harvey, Esq. concerning legal advice and work product	Redacted (D00322, D00327, D00329-33, D00335-39, D00342, D00344-47, D00349, D00352-53, D00355-56, D00358, D00360, D00367, D00385, D00446-47, D00450-51, D00453, D00455-57)	Attorney/Client Communication Work Product
Undated	E-mail between Geri Devlin and Joseph Teklits, Esq. concerning legal advice	Withheld	Attorney/Client Communication
Undated	Note by Jack Hughson concerning legal advice	Withheld	Attorney/Client Communication Work Product
9/20/04	Three e-mails between Anita Bencivengo and James Zeris, Esq. concerning legal advice	Redacted (D00181)	Attorney/Client Communication

DATE	DESCRIPTION	STATUS	BASIS OF PRIVILEGE
10/15/04	E-mail between Anita Bencivengo and James Zeris, Esq. concerning legal advice	Redacted (D00181)	Attorney/Client Communication
② 1/26/05	Two e-mails between Kathryn Ruggieri and Joseph Teklits, Esq. concerning legal advice	Withheld	Attorney/Client Communication
③ 5/24/05	E-mail between Kathryn Ruggieri and Joseph Teklits, Esq. concerning legal advice	Withheld	Attorney/Client Communication Work Product
④ 5/25/05	Two e-mails among Kathryn Ruggieri, Joseph Teklits, Esq., Jack Hughson, and Philip Sinopoli concerning legal advice	Withheld	Attorney/Client Communication Work Product
⑤ 5/25/05	Notes by Joseph Teklits	Withheld	Work Product
⑥ 5/26/05	Four e-mails among Jack Hughson, John Nestoriak, Joseph Teklits, Esq., and Kathryn Ruggieri concerning legal advice	Withheld in part Redacted in part (D00350)	Attorney/Client Communication Work Product
⑦ 5/27/05	E-mail between Joseph Teklits, Esq. and Kathryn Ruggieri concerning legal advice	Reacted (D00350)	Attorney/Client Communication Work Product
5/31/05	Draft letter to Ray Jackson from Jack Hughson	Withheld	Work Product
6/23/05	Fax Cover Sheet between Linda Blimegger and Karen Bedy concerning legal advice and work product	Withheld	Work Product Attorney/Client Communication
6/28/05	E-mail among Susan Dowd, Joseph Teklits, Esq., Jeannette Patey, John Nestoriak, and Brian McCleary concerning legal advice	Withheld	Attorney/Client Communication

DATE	DESCRIPTION	STATUS	BASIS OF PRIVILEGE
6/29/05	Two e-mails among Joseph Teklits, Esq., Geri Devlin, Susan Dowd, Jeannette Patey, John Nestoriak, Brian McCleary, and Jack Hughson concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
⑧ 7/12/05	E-mail between Joseph Teklits, Esq. Ron Gosdeck concerning legal advice	Withheld	Attorney/Client Communication Work Product
⑨ 7/16/05	E-mail among Joseph Teklits, Esq., Linda Blimegger, and Jack Hughson concerning legal advice and work product	Redacted (D00559)	Attorney/Client Communication Work Product
⑩ 7/18/05	Four e-mails among Kathryn Ruggieri, Thomas Reiter, Virginia Clarke, Ron Gosdeck, and Joe Teklits, Esq., concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
⑪ 7/19/05	E-mails between Joseph Teklits, Esq. and Tom Reiter concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
⑫ 7/20/05	Nineteen e-mails among Thomas Reiter, Mark Danis, Ron Gosdeck, Kathryn Ruggieri, Virginia Clarke, Suzanne Geary, David Pingree, Claudia Langguth, and Joseph Teklits, Esq. concerning legal advice and work product	Withheld in part Redacted in part (D00361, D00363-64, D00366)	Attorney/Client Communication Work Product
7/20/05	Five e-mails between Joseph Teklits, Esq. and William J. Delaney, Esq. concerning legal advice	Withheld	Attorney/Client Communication Work Product
7/21/05	Two e-mails among between Suzanne Geary, Tom Reiter, and Ron Gosdeck concerning work product	Withheld	Attorney/Client Communication Work Product

DATE	DESCRIPTION	STATUS	BASIS OF PRIVILEGE
7/22/05	Five e-mails among Joe Teklits, Esq., Tom Reiter, Theresa Chung, Esq., and William Delaney, Esq. concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
7/25/05	Three e-mails among Joseph Teklits, Esq., Linda Blimegger, Suzanne Geary, Tom Reiter, and Claudia Langguth concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
7/26/05	E-mail between Joseph Teklits, Esq. and Tom Reiter concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
7/28/05	Two e-mails among Joseph Teklits, Esq., Jeannette Patey, Jack Hughson, and Linda Blimegger concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
12/12/07	Seven e-mails among Lorraine Roskelly, John Monaghan, Esq., Joseph Teklits, Esq., and Linda Blimegger concerning legal advice	Withheld	Attorney/Client Communication Work Product
12/14/07	Two e-mails between Lorraine Roskelly, Diane Loebell, Esq., and John Monaghan, Esq. concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
12/18/07	Four e-mails among Lorraine Roskelly, Diane Loebell, Esq., John Monaghan, and Thomas Reiter concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
12/19/07	Seven e-mails among Lorraine Roskelly, Larry Muoio, John Monaghan, Esq., Diane Loebell, Esq., and Alan Kintisch, Esq. concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
12/20/07	E-mail among Lorraine Roskelly, Larry Muoio, John Monaghan, Esq., and Diane Loebell, Esq. concerning legal advice and work product	Withheld	Attorney/Client Communication

DATE	DESCRIPTION	STATUS	BASIS OF PRIVILEGE
1/21/08	Seven e-mails among Lorraine Roskelly, Diane Loebell, Esq., Suzanne Geary, Jack Hughson, and Sherry Burkey concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
1/22/08	Three e-mails among Lorraine Roskelly, Sherry Burkey, Jack Hughson, and Suzanne Geary concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
1/23/08	Email between Lorraine Roskelly and Jack Hughson concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
1/24/08	E-mail between Lorraine Roskelly and Diane Loebell, Esq. concerning legal advice and work product	Withheld	Attorney/Client Communication Work Product
1/28/08	Draft Position Statement to EEOC	Withheld	Work Product
12/11/08	E-mail among Chris Rusek, Esq., Carmon Harvey, Esq., and Carolyn Ellis concerning legal advice and work product	Redacted (D00325)	Attorney/Client Communication Work Product

**EXHIBIT
B**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAY JACKSON

v.

Plaintiff,

Civil Action No. 08-3298 (CDJ)

UNISYS CORPORATION,

Defendant.

**DEFENDANT'S SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST
SET OF INTERROGATORIES ADDRESSED TO DEFENDANT**

Defendant Unisys Corporation ("Unisys") hereby supplements its response to Plaintiff's First Set of Interrogatories Addressed to Defendant ("Plaintiff's Interrogatories") as follows:

**GENERAL OBJECTIONS APPLICABLE TO
ALL INTERROGATORIES**

Unisys hereby incorporates all general objections set forth in its original responses to Plaintiff's Requests.

RESPONSES AND OBJECTIONS TO INTERROGATORIES

1. Describe in detail each and every reason why you decided to terminate Mr. Jackson's employment with Unisys.

RESPONSE:

Objection. Unisys objects to Interrogatory No. 1 because it is overbroad and burdensome. Subject to and without waiver or limitation of the foregoing objections, Unisys answers Interrogatory No. 1 as follows:

See Exhibits C, F, and G to Defendant's document production.

SUPPLEMENTAL RESPONSE:

The employment records and employment-related communications contained in Exhibits C, F, and G to Defendant's document production provide details regarding the reasons why Jackson was separated from employment with Unisys and, subsequently, why Unisys did not consider Jackson for a potential new position with the company. As a result of Jackson's failure to meet his performance objectives, unreliability, and lack of responsiveness to employment-related requests by his managers, Unisys decided to lay off and terminate Jackson. Jackson was offered an agreement whereby he would voluntarily leave the company in exchange for severance beyond the standard U.S. severance benefit entitlement. This agreement dated May 31, 2005 and signed by Jackson has already been produced and speaks for itself. The company also considered the status of the group in which Jackson worked, including the future need for the position held by Jackson. Jackson's position with the company was not filled after his termination. Additional information regarding this response is contained in the documents previously produced, which documents speak for themselves.

2. Identify the individuals who were involved in the decision to terminate Mr. Jackson's employment with Unisys, and for each such individual, describe in detail the role he or she played in the decision.

RESPONSE:

Objection. Unisys objects to Interrogatory No. 2 because it is overbroad and burdensome. Unisys further objects on the grounds that discovery is ongoing and Unisys does not have sufficient knowledge or information to fully answer this interrogatory at this time. Unisys further objects to the extent that the request seeks the disclosure of

information that is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Unisys concerning the litigation. Subject to and without waiver or limitation of the foregoing objections, Unisys answers Interrogatory No. 2 as follows:

The following individuals were involved to varying degrees in the decision to terminate Mr. Jackson's employment with Unisys: Plaintiff's manager Kathryn Ruggieri, Plaintiff's former manager Virginia Clark, Vice President and HR Managing Business Partner Jack Hughson, and counsel to Unisys.

SUPPLEMENTAL RESPONSE:

Kathryn Ruggieri decided it would be in the best interests of Unisys if Jackson were separated from employment with Unisys. Ruggieri consulted with Virginia Clark and Jack Hughson. Hughson had a separation agreement prepared and presented it to Jackson. Hughson and Ruggieri also consulted counsel.

Each of the individuals identified herein may be contacted through counsel for Unisys.

3. Describe in detail each and every reason why Mr. Jackson was not offered re-employment with Unisys in July, 2005.

RESPONSE:

Objection. Unisys objects to Interrogatory No. 3 because it is vague, overbroad and burdensome. Subject to and without waiver or limitation of the foregoing objections, Unisys answers Interrogatory No. 3 as follows:

See Exhibits C, F, G, H, I, and L to Defendant's document production.

SUPPLEMENTAL RESPONSE:

See Supplemental Responses to Interrogatory No. 1. and Interrogatory No. 4. Also, the job for which Jackson expressed interest in July 2005 did not yet exist because it was dependent on Unisys winning a state government contract. Unisys did not obtain the contract and the job did not come into existence. Further, Unisys in this type of situation does not re-hire a former laid off employee unless such a re-hire has been approved by Human Resources. In addition, the potential re-hire of a person who has been laid off and received severance also involves a review of the employee's employment history at Unisys to ensure that they have acceptable prior performance and that their skills and competencies match the requirements of the position. Jackson's potential re-hire in July 2005 was not approved by HR, he did not possess an acceptable performance record at Unisys to be re-hired into this potential position in July 2005, he was never offered another position with Unisys in July 2005, and the potential position did not come into existence because Unisys did not obtain the state contract. Jackson had informal discussions with a Unisys manager, Claudia Langguth, about a potential opportunity that Unisys was bidding on, however, after speaking with HR and reviewing his performance record at Unisys, Langguth decided not to offer this potential position to Jackson in July 2005.

4. Identify the individuals who were involved in the decision not to offer Mr. Jackson re-employment with Unisys, and for each such individual, describe in detail the role he or she played in the decision.

RESPONSE:

Objection. Unisys objects to Interrogatory No. 4 because it is overbroad and burdensome. Unisys further objects on the grounds that discovery is ongoing and Unisys

does not have sufficient knowledge or information to fully answer this interrogatory at this time. Unisys further objects to the extent that the request seeks the disclosure of information that is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Unisys concerning the litigation. Subject to and without waiver or limitation of the foregoing objections, Unisys answers Interrogatory No. 4 as follows:

The following individuals were involved to varying degrees in the decision to not to offer Mr. Jackson re-employment with Unisys: Kathryn Ruggieri, Virginia Clark, Ron Gosdeck, Claudia Langguth, Greg Baroni, and counsel to Unisys.

SUPPLEMENTAL RESPONSE:

Upon learning in July 2005 that Jackson was being considered for a potential position with the Global Public Sector at Unisys, Ron Gosdeck, then a Vice President and HR Managing Business Partner for the Global Public Sector with Unisys, became involved regarding the potential rehire of Jackson. The potential position related to a bid that Unisys was submitting for a state contract. Gosdeck was aware from prior conversations with Ruggieri and Hughson that Jackson had performance problems at Unisys. Additionally, former employees who have been laid off and have received severance typically go through an HR approval process before being considered for rehire with the company. Gosdeck informed Greg Baroni, President of Unisys' Global Public Sector, that it was not in Unisys' best interests to consider any application Jackson might submit for the potential position in the Public Sector. Baroni agreed. Gosdeck also confirmed Jackson's performance issues with Ruggieri and Clark. Gosdeck, Ruggieri, and Clark thereafter had

a conversation with Langguth. After discussing with Gosdeck the HR approval process for laid off employees and learning from Ruggieri and Clark that Jackson had a history of performance issues, Langguth indicated that she no longer was interested in pursuing Jackson for the potential position. Gosdeck then informed Jackson that Jackson would not be considered for the potential position in July 2005.

Each of the individuals identified herein may be contacted through counsel for Unisys.

5. Describe in detail the factual bases for each and every affirmative defense you pled in this lawsuit.

RESPONSE:

Objection. Unisys objects to Interrogatory No. 5 because it is overbroad and burdensome. Subject to and without waiver or limitation of the foregoing objections, Unisys answers Interrogatory No. 5 as follows:

It is premature at this point in the discovery phase of the case for Unisys to "describe in detail" a factual basis for each of the affirmative defenses that it was required by the Federal Rules of Civil procedure to plead with its Answer. The parties have not yet taken the plaintiff's deposition and have not yet received any documents in response to discovery requests in order to provide a "detailed" factual basis for the assertion of each affirmative defense. Unisys will supplement its response to this interrogatory in accordance with the Federal Rules of Civil Procedure. *See generally* Defendant's document production.

SUPPLEMENTAL RESPONSE:

See Supplemental Response to Document Request No. 13.

Dated: June 5, 2009

Carmon M. Harvey

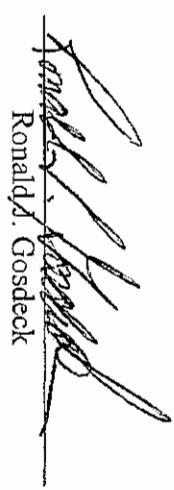
Edward T. Ellis (Pa. I.D. No. 23680)
Carmon M. Harvey (Pa. I.D. No. 91444)
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123 South Broad Street
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Attorneys for Defendant Unisys Corporation

CERTIFICATION

I, Ronald J. Gosdeck, am the Vice President, Global Recruiting of Unisys Corporation. As such, I am authorized to execute this Certification on behalf of Defendant Unisys Corporation. I have read the foregoing Responses to Interrogatories, and I know the content thereof. Said responses were prepared with the assistance and advice of counsel and employees of Unisys Corporation upon whose advice I have relied. The responses set forth herein, subject to inadvertent or undiscovered errors, are based on and therefore necessarily limited by the records and information still in existence, presently recollected, and thus far discovered in the course of the preparation of these responses. I and Defendant consequently reserve the right to make any changes if it appears at any time that omissions or errors have been made herein or that more accurate information is available. Subject to the limitations set forth herein, the said responses to the foregoing Interrogatories are true to the best of my knowledge, information, and belief.

I verify under penalty of perjury that the foregoing is true and correct.

Dated: June 4, 2009 By: 
Ronald J. Gosdeck

CERTIFICATE OF SERVICE

I, Carmon M. Harvey, hereby certify that on the date listed below I caused to be served a true and correct copy of the foregoing Defendant's Supplemental Responses to Plaintiff's First Set of Interrogatories Addressed to Defendant and Certification on the following person by U.S. first-class mail:

Michael J. Salmanson
SALMANSON GOLDSHAW, P.C.
Two Penn Center
1500 J.F.K. Blvd., Suite 1230
Philadelphia, PA 19103
215-640-0593

Attorney for Plaintiff

Dated: June 5, 2009



Carmon M. Harvey

EXHIBIT
C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAY JACKSON : CIVIL ACTION

VS. : :

UNISYS, INC. : NO. 08-3298

January 27, 2010
Philadelphia, Pennsylvania

Oral deposition of VIRGINIA CLARK,
taken in the offices of Montgomery, McCracken,
Walker & Rhoads, 123 South Broad Street,
on the above date, commencing at or about
10:00 a.m., before Janice M. Leaman, a
Notary Public and an Approved
Reporter of the United States District Court
For The Eastern District of Pennsylvania.

KAPLAN, LEAMAN & WOLFE
Registered Professional Reporters
325 Chestnut Street, Suite 909
Philadelphia, Pennsylvania 19106
(215) 922-7112

1 A. Not that I remember.

2 Q. Do you remember whether you had to
3 formally give the approval through any sort of
4 on-line or electronic mechanism?

5 A. I just really don't remember.

6 Q. Okay. Did a manager of his who was
7 recommending termination have to write any sort
8 of termination memo or other documentation to
9 justify the termination?

10 A. I would think so, but I don't remember.

11 Q. Do you recall whether you had any
12 conversations with Mr. Tecklitz about Mr.
13 Jackson?

14 A. Yes.

15 Q. Do you recall whether any of those
16 conversations occurred prior to Mr. Jackson's
17 separation from employment?

18 A. Yes.

19 Q. And do you recall how many conversations
20 you had with Mr. Tecklitz, prior to Mr.
21 Jackson's separation?

22 A. Definitely one, maybe two.

23 Q. Were those conversations just
24 one-on-ones with you and Mr. Tecklitz?

25 A. I believe Sherry Burkey, the HR VP, was there, VP.

1 Q. And do you recall whether this was in a
2 formal meeting with Mr. Tecklitz and Miss
3 Burkey?
4 A. It was.
5 Q. Do you recall who called the meeting?
6 A. Me.
7 Q. And why did you call the meeting?
8 A. Get advice.
9 Q. Was this after Miss Ruggieri had
10 recommended Ray's termination?
11 A. Before, way before.
12 Q. Was this prior to you issuing the PIP?
13 A. Yes.
14 Q. It was in the context of developing the
15 PIP for Ray?
16 A. Yes.
17 Q. Have you issued PIP's to other employees
18 during your tenure at Unisys?
19 A. Years and years ago.
20 Q. Did you ask for Mr. Tecklitz'
21 participation in obtaining the advice?
22 A. I don't understand that question.
23 Q. Sure. When you called the meeting, do
24 you recall whether you called the meeting with
25 Miss Burkey and Mr. Tecklitz attended, or did

1 you specifically ask for both of them to
2 attend?

3 A. I specifically asked for both of them to attend.

4 Q. And what was Miss Burkey's role?

5 A. She was the HR business partner for HR. HR for
6 HR, as we call it.

7 Q. Her job responsibilities would be to
8 effectuate any HR changes within your
9 department?

10 A. I don't know what effectuate means.

11 Q. Okay. That's such --

12 MR. ELLIS: It's a lawyer's word.

13 THE WITNESS: Remember, I'm blond.

14 BY MR. SALMANSON:

15 Q. No, it's just a lawyer's word.

16 Was Miss Burkey the person

17 assigned to the HR department to assist in HR

18 -- because it's HR on HR, I'm trying to figure

19 out a way to articulate --

20 A. Assisted on HR matters.

21 Q. HR matters within the department?

22 A. Yes.

23 MR. ELLIS: She's the HR department for the HR
24 department.

25 THE WITNESS: Yes.

1 BY MR. SALMANSON:

2 Q. Right. Now, is there a reason why you
3 thought you needed Mr. Tecklitz' advice, in
4 addition to Miss Burkey's?

5 A. I respect him, not that I didn't respect Sherry,
6 but -- more experience.

7 Q. Is it fair -- go ahead?

8 A. Wanted to do the right thing.

9 Q. Were you concerned about any legal
10 ramifications related to putting Mr. Jackson on
11 a PIP?

12 A. No. I was concerned more about fair treatment,
13 precedence, employee relations, again, doing the right
14 thing.

15 Q. Is it fair to say you were looking to
16 Mr. Tecklitz for practical advice rather than
17 legal advice?

18 A. Absolutely, professional, professional advice.

19 Q. And what do you recall Miss Burkey

20 telling you in developing the PIP?

21 A. I am trying to remember. See, because of my
22 background, I kind of -- you know, you have to be
23 specific, right? So, be real specific in your --
24 identifying what behaviors you want to see, that he
25 didn't need to sign it for it to be operable. Does that

1 make sense? I don't even know if I am using that word
2 right.

3 Q. Yes.

4 A. Just trying to use a big word. That's all I
5 really remember, to be honest.

6 Q. Do you recall Mr. Tecklitz giving you
7 any different advice?

8 A. Unh-huh.

9 Q. That's a no?

10 A. That was -- that's a no. That's a no.

11 Q. Were there any discussions at that point
12 pertaining to whether termination was an option
13 at that time frame?

14 A. So, is your question did we discuss terminating
15 Ray when I met with Sherry and Joe?

16 Q. Yes.

17 A. No, other than the standard PIP rule, which is if
18 you don't successfully complete the PIP, other measures
19 can be taken, up to and including termination, yes.

20 It's just standard language. No, it was -- our
21 conversation where I was coming from on this was how do
22 you build success? Again, taking into consideration my
23 background, my passion, it's about -- you don't put
24 people on these things to fire them. You put people on
25 these PIP's to make them a success. That's the mindset

**EXHIBIT
D**

18feb10

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(It is hereby stipulated and agreed by and
2 between counsel that, sealing, certification and filing
3 of the within deposition are hereby waived; that all
4 objections except as to the form of the question be
5 reserved until the time of trial.)

6 KATHRYN RUGGIERI, having been first duly

7 sworn, was examined and testified as follows:

8 BY MR. SALMANSON:

9 Q. Ms. Ruggieri, as you know, my name is
10 Mike Salmanson and I represent Ray Jackson in a
11 lawsuit he's brought against Unisys.

12 Have you ever had your deposition
13 taken before?

14 A. Yes.

15 Q. So, you know the basic rules. I will
16 ask you a set of questions, hopefully you will
17 be able to provide answers. If I ask a
18 question that doesn't make sense to you, just
19 let me know. I will try and rephrase the
20 question. I think we may have something in
21 common in being fast talk errs, and so, I think
22 you and I especially have to be careful about
23 not jumping on the end of each other's
24 sentences, because then Janice, even though
25 she's an extraordinary court reporter, can't

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1 get everything down, and also it doesn't give
2 Mr. Ellis a chance to pose an objection if he

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17 pattern into, or a pattern of medical events
18 specifically, correct?

19 A. It appears so here in this note, yes.
20 Q. And you weren't tying the -- at that

21 juncture the missed meetings or the missed
22 deadlines to medical events?

23 A. No.
24 Q. Did you have any discussions at any
25 point with Mr. Owens about the fact of the

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1 medical events seem to be occurring around
2 deadlines?

3 A. No.

4 Q. Did you have a discussion with anyone
5 else in that regard?

6 A. No.

7 Q. Did you do anything in response to
8 receiving this memo from Mr. Owens?

9 A. I talked to Howard about his frustration.

10 Q. And what did Howard say to you?

11 A. I don't recall. It was centered around the
12 project that they needed to deliver.

13 Q. Did you have that discussion that day?

14 A. Oh, I don't remember.

15 Q. Do you recall having any discussions
16 with Mr. Tecklitz on or about the 26th of

17 January as a result of this memo?

18 A. I don't remember.

19 Q. Do you recall having any discussions
20 with Mr. Tecklitz in the end of January 2005,

21 ei ther by E mail or otherwise?
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22 MR. ELLIS: I assume you mean about Ray

23 Jackson?

24 MR. SALMANSON: Yes. About Ray Jackson.

25 THE WITNESS: I spoke to him about Ray Jackson

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1 but I don't recall the time frame.

2 BY MR. SALMANSON:

3 Q. And what was your purpose in speaking to

4 him about Mr. Jackson?

5 A. That I had a performance concern.

6 Q. Do you recall how many times you spoke

7 to Mr. Tecklitz --

8 A. No.

9 Q. -- about Mr. Jackson?

10 In response to -- do you recall E

11 mailing Mr. Tecklitz about the performance
12 concerns?

13 A. No, I don't.

14 Q. Now, Mr. Tecklitz was in the legal
15 department; correct?

16 A. Correct.

17 Q. Okay. Was there a reason why you
18 addressed the performance concerns to Mr.

19 Tecklitz as opposed to people in HR?

20 A. Well, I wouldn't share that with people in HR.

21 Q. And why not?

22 A. Because they would be peers, and that's
23 confidential information.

24 Q. UU was part of the HR department;
25 correct?

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1 A. Yes.

2 Q. Now, was there an HR representative
3 assigned to UU?

4 A. There may have been. There probably was, but I
5 don't remember who that person was. It's --
6 Q. Okay. Is it fair to say that in
7 consulting with Mr. Tecklitz you weren't

8 seeking legal advice but more HR type advice,
9 and you went outside of HR to do that because
10 of the confidentiality concerns?

11 A. I don't remember the -- I know it was to talk to
12 him about performance. I just don't remember if there
13 was anything else.

14 Q. As we sit here today, do you have any
15 recollection of seeking legal advice from Mr.
16 Tecklitz at the end of January, in regard to
17 Mr. Jackson?

18 A. I don't know when that -- I don't know about the
19 time, I don't know if it was in January.

20 Q. Okay. And do you recall specifically
21 seeking advice of a legal nature from Mr.

22 Tecklitz as opposed to an HR issue?

23 MR. ELLIS: I object to the form of the
24 question.

25 THE WITNESS: At any time?

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1 BY MR. SALMANSON:

2 Q. Yes.

3 A. Yes.

18feb10

4 Q. When did you speak legal advice from Mr.
5 Tecklitz?

6 A. I don't remember.

7 Q. Was it in relation to Mr. Jackson's
8 termination?

9 A. Consideration for termination, yes.

10 Q. And were you considering terminating Mr.
11 Jackson as of the end of January?

12 A. I don't remember.

13 Q. If you, in fact, sent an E mail to Mr.

14 Tecklitz on January 26th, the same day that Mr.
15 Owens wrote the E mail, as you sit here today,
16 do you have any reason to believe that the
17 purpose of that E mail was to solicit legal
18 advice from him?

19 MR. ELLIS: I object to the form of the
20 question.

21 THE WITNESS: I don't know. I would have to

22 -- I mean --.

23 (Whereupon, an E mail string, dated January

24 26, 2005, 11:59 a.m. was marked as Ruggieri Exhibit

25 Number 12, for identification.)

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1 BY MR. SALMANSON:

2 Q. I am showing you what's been marked as
3 Ruggieri 12. I guess my first question is
4 does this help refresh your recollection that
5 at some point your title became director of
6 leadership learning and development?

7 A. Yes.

21 after the meeting in February telling him that
22 he was not being proactive in getting his
23 assignments finished?
24 A. Specifically in terms of what I said to him
25 specifically? I can't remember the words, no.

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1 Q. Well, generally did you talk about him
2 continuing to fail to take a proactive approach
3 after February?
4 A. Yes.
5 Q. With whom did you discuss, if anyone,
6 Mr. Jackson's potential termination prior to
7 the decision to terminate him?
8 A. Virginia and Joe Tecklitz.
9 Q. What do you recall --
10 A. Excuse me, and Pat Bradford.
11 Q. And what do you recall discussing with
12 Virginia?
13 A. A layoff and how that would impact the university,
14 her feelings about it.
15 Q. What was your purpose in discussing the
16 issue with Joe Tecklitz?
17 A. Around the layoff, that there was a performance
18 component to this, but that we also had a requirement
19 from leadership to take costs out where we could.
20 Q. Were you specifically seeking any legal
21 advice from Mr. Tecklitz?
22 A. Yes. He was head counsel.
23 Q. But that doesn't necessarily mean he was
24 -- that you were seeking legal advice from him
25 as opposed to HR advice.

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1 A. Well, what do you mean by legal advice?
2 Q. Sure. I guess, the question is did you
3 think that there were any potential legal
4 issues that might arise out of Ray's

5 termination?

6 A. No. I think that Ray had a history of being
7 closely connected with senior leadership, and I had
8 cleared that with Pat Bradford to make sure that it was
9 okay to remove this position, and she would be the
10 communication between me and Joe McGrath. And once I
11 got clearance from that, I talked to Joe about the fact
12 that --

13 MR. ELLIS: All right. You are not supposed
14 -- you are not going to answer what you talked about?

15 Which Joe. There's --

16 THE WITNESS: Joe Tecklitz. You are right,
17 thank you.

18 BY MR. SALMANSON:

19 Q. Well, I want to be very clear. Was
20 your discussion with Joe Tecklitz in terms of
21 justly the process for laying -- how the layoff
22 was effected, or again, were you seeking some
23 legal advice that you would need to review
24 before you effectuated a layoff?

25 A. There was the component of performance and layoff

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1 that I wanted to talk to him about.
2 Q. And again, I'm trying to be very

3 particular in terms of you wanted to talk to
4 him because you were using him as a sounding
5 bore or because you thought there was a legal
6 component to the performance versus layoff
7 issue?

8 A. Because there was a performance component could he
9 qualify for a layoff?

10 Q. Okay.

11 A. As opposed to a termination due to performance.

12 Q. And that would be -- qualify for a
13 layoff within the meaning of the policies of
14 Unisys?

15 A. That's right.

16 Q. Mr. Teeklitz testified in
17 exercising the authority in Mr. Jackson's case
18 to characterize -- the question to him, I am
19 sorry, was, in exercising the authority in Mr.
20 Jackson's case to characterize his termination
21 as a layoff did you have discussions with
22 anyone to inform you or which played a factor
23 in your decision to characterize Mr. Jackson's
24 termination as a layoff?

25 Answer: yes. Question: and who are

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1 those individuals? He answered, Catherine
2 Ruggieri."

3 Is that consistent with your
4 recollection?

5 A. Yes.

6 Q. Now, what do you recall specifically
7 discussing with Mr. Teeklitz in terms of

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8 characterizing the termination as a layoff as
9 opposed to something else?

10 MR. ELLIS: She instructed not to answer.

11 12348 he waived the privilege.

12 MR. ELLIS: No, he didn't.

13 MR. SALMANSON: Sure he did.

14 MR. ELLIS: I don't think so.

15 MR. SALMANSON: In exercising the authority to
16 characterize as a layoff, did you have discussions with
17 anyone to inform you? Who were those individuals?
18 MR. ELLIS: You asked him.
19 MR. SALMANSON: Catherine Ruggieri. The
20 substance.

21 MR. ELLIS: Who -- the fact that there was a
22 conversation isn't privileged. I'm not going to let you
23 ask they are -- I'm not going to let her answer what the
24 content was of her conversation with Joe Tecklitz.
25 MR. SALMANSON: Well, he goes on, "do you

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1 recall whether you had any discussions with Miss Ruggieri
2 where the particular topic was how to characterize Mr.
3 Jackson's termination?"

4 "Answer: Well, eventually there would have
5 been a conversation that discussed that to insure that
6 she agreed with that approach."
7 MR. ELLIS: Okay.

8 MR. SALMANSON: You don't think that's a
9 waiver of the privilege?
10 MR. ELLIS: No.

11 MR. SALMANSON: You are going to instruct her

12 not to answer the question about what Mr. Tecklitz's
13 input from Miss Ruggieri was for Mr. Tecklitz to
14 determine that it should be characterized as a layoff?

15 MR. ELLIS: I'm not going to -- your question
16 is a little confusing but I don't -- I'm not going to let
17 the witness answer questions about the content of her
18 conversations with Joe Tecklitz.

19 MR. SALMANSON: Based on what?

20 MR. ELLIS: Attorney-client privilege.

21 MR. SALMANSON: He just testified there's not
22 a shred of evidence that she asked for legal advice from
23 Mr. Tecklitz. This is not legal advice.

24 MR. ELLIS: The court will determine whether
25 she asked for legal advice.

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1 MR. SALMANSON: No. The Judge will determine
2 and it's your burden to prove that it's legal advice.

3 MR. ELLIS: Don't get excited, Mr. Salmanson.

4 MR. SALMANSON: I am getting excited.

5 MR. ELLIS: You know this is privileged. If
6 you don't like my answer, go to the Judge.

7 MR. SALMANSON: It's not privileged. January
8 26, '05, two E mails between Catherine Ruggieri and Joe

9 Tecklitz concerning legal advice. She's already
10 testified earlier in this deposition that she did not

11 characterize communications in that time period as legal
12 advice. May 25th, two E mails among Catherine Ruggieri,

13 Joe Tecklitz, Jack Hughson and Philip Sionoff concerning
14 legal advice, May 24th, E mail between Catherine Ruggieri

15 and Joe Tecklitz concerning legal advice. I am asking

16 you on the record to review those three E mails and tell
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17 me by the close of business today or first thing tomorrow
18 morning whether you are continuing to insist that those
19 are attorney-client privilege, because otherwise we have
20 to --

21 MR. ELLIS: I don't need to look at them. Go
22 to the Judge if you don't like my position.

23 MR. SALMANSON: You are saying that you are
24 not going to look at the E mails again in light of your
25 --

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1 MR. ELLIS: I looked at the E mails. I
2 looked at the E mails when we put the E mails on the
3 list.

4 BY MR. SALMANSON:

5 Q. Miss Ruggieri, prior to today, did
6 anyone ever ask you whether you solicited legal
7 advice from Mr. Tecklitz in regard to Mr.

8 Jackson?

9 MR. ELLIS: No, you are not going to answer
10 that question, either. You are instructed not to
11 answer.

12 BY MR. SALMANSON:

13 Q. Other than legal counsel, has anyone
14 ever asked you whether you sought legal advice
15 from Mr. Tecklitz in regard to Mr. Jackson's
16 termination?

17 MR. ELLIS: Has anybody -- wait a minute.

18 Before you answer that, has anybody asked you whether you
19 have sought legal advice from the lawyer other than the
20 lawyers?

EXHIBIT

E

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAY JACKSON : CIVIL ACTION

VS. : :

UNISYS, INC. : NO. 08-3298

December 22, 2009
Philadelphia, Pennsylvania

Oral deposition of JOSEPH A. TEKLITS,
taken in the offices of Salmanson & Goldshaw,
Two Penn Center Plaza, 12th Floor
on the above date, commencing at or about
10:02 a.m., before Janice M. Leaman, a
Notary Public and an Approved
Reporter of the United States District Court
For The Eastern District of Pennsylvania.

KAPLAN, LEAMAN & WOLFE
Registered Professional Reporters
325 Chestnut Street, Suite 909
Philadelphia, Pennsylvania 19106
(215) 922-7112

1 A. The record will state whatever it says. I don't
2 have any present recollection of that.

3 Q. Do you recall, in fact, advising Mr.
4 Gosdeck that Mr. Jackson was applying for a new
5 position at Unisys?

6 A. Yes.

7 Q. And do you recall how you first learned
8 that Mr. Jackson was applying for a new
9 position at Unisys?

10 A. Yes.

11 Q. And how did you first learn of that?

12 A. Catherine Ruggieri called me and told me.

13 Q. Do you know how Miss Ruggieri became
14 aware that Mr. Jackson was applying for a new
15 position?

16 A. No.

17 Q. Do you recall anything else Miss
18 Ruggieri told you in that phone call?

19 A. No.

20 Q. Do you recall Miss Ruggieri at any point
21 telling you that she didn't think that Mr.
22 Jackson should be re-employed by Unisys?

23 A. No.

24 Q. Do you recall discussing with anyone
25 other than Ms. Ruggieri and Mr. Gosdeck

1 participated in the decision, it might be easier.

2 MR. SALMANSON: Okay. Well, but I want to
3 make sure that there's nobody else who --

4 MR. ELLIS: But you can't ask him unless he
5 signed it. I don't think he did, though?

6 MR. SALMANSON: Okay.

7 BY MR. SALMANSON:

8 Q. Were you involved in any way in the
9 decision to terminate Mr. Jackson's employment
10 with Unisys?

11 A. Yes.

12 Q. And in what way?

13 A. I was contacted by HR and asked for my legal
14 advice.

15 Q. And who from HR contacted you?

16 A. It would have been at least Kathleen -- Catherine
17 Ruggieri and Jack Hughson.

18 Q. Do you typically get involved in
19 providing legal advice in regard to potential
20 layoffs?

21 A. Yes.

22 Q. To your knowledge, was there some
23 particular reason why Mr. Hughson and/or Miss
24 Ruggieri was seeking your legal advice in
25 regard to Mr. Jackson's termination?

question.

BY MR. SALMANSON:

Q. You can answer, if you can.

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privileged conversations, and I don't know to

what extent you are willing to waive or not

So I will ask thee to waive the privilege.

ask the privilege I think that's the best question. If Mr. Ellis is going to object and

way we can proceed in that regard.

Do you recall the content of the

conversation with Miss Ruggieri in regard to

Mr. Jackson termination: Yes

Q. As best as you can recall, what do you

recall the discussion being?

MR. ELLIS: I will object and instruct him not

MR. SALMANSON: Okay.

BY MR. SALMANSON:

Q. Do you recall the content of your

Hünchsen in regard to the termination of Mr. Colver's conversation with Mr. Miller.

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1 Jackson?

2 A. Yes.

3 Q. And can you describe for me the content
4 of the conversation with Mr. Hughson?

5 MR. ELLIS: Well, can he is a yes-or-no
6 question.

7 MR. SALMANSON: Sorry. Sorry. Fair enough.

8 MR. ELLIS: If you want to provoke the
9 privilege --

10 MR. SALMANSON: Right.

11 MR. ELLIS: -- he's not going to discuss the

12 content of the conversation with you.

13 MR. SALMANSON: Okay. I am trying to get the
14 privilege invoked. So, fair enough.

15 BY MR. SALMANSON:

16 Q. Is it fair to say that if -- well, let
17 me just ask the question. Please describe for
18 me the conversation that you had with Mr.
19 Hughson?

20 MR. ELLIS: I object and instruct the witness
21 not to answer.

22 BY MR. SALMANSON:

23 Q. Do you recall whether you had the
24 conversation -- a conversation jointly with Ms.
25 Ruggieri and Mr. Hughson or were they separate

1 conversations, or some combination thereof?

2 A. Some combination thereof.

3 Q. Do you recall how many conversations you
4 had with Ms. Ruggieri regarding the potential
5 termination of Mr. Jackson's employment?

6 A. I can only say there were many conversations.

7 Q. Do you recall how many conversations you
8 had with Mr. Hughson regarding Mr. Jackson's
9 potential termination of employment?

10 A. I would say three or four.

11 Q. Do you recall whether you kept notes of
12 any or all of these conversations?

13 A. I did.

14 Q. And do you know whether those notes
15 still exist?

16 A. Some of those notes still exist, in my file.

17 Q. Do you recall the time frame during

18 which you had the multiple conversations with

19 Ms. Ruggieri?

20 A. I believe they were for many months prior to Ray's
21 termination.

22 Q. And do you recall the time frame during
23 which you were having conversations with Mr.

24 Hughson about Mr. Jackson's potential
25 termination?

1 Q. In the Answers to Interrogatories by
2 Unisys there's a similar question and answer
3 regarding the decision not to re-employ Mr.
4 Jackson. The question is, "Identify the
5 individuals who were involved in the decision
6 not to offer Mr. Jackson reemployment with
7 Unisys, and from each such individual describe
8 in detail the role he or she played in the
9 decision." The response states, in part, "The
10 following individuals were involved to varying
11 degrees in the decision to not offer Mr.
12 Jackson a reemployment with Unisys, Catherine
13 Ruggieri, Virginia Clark, Ron Gosdeck, Claudia
14 Langguth, Greg Barone and counsel to Unisys."
15 To what extent, if any, were you
16 involved in the decision not to re-employ Mr.
17 Jackson at Unisys?
18 A. The only involvement I had was to call Ron Gosdeck
19 and tell him that Ray was applying for a position in his
20 organization.
21 Q. And do you recall telling Mr. Gosdeck
22 that he should talk to Ms. Ruggieri and/or Miss
23 Clark about Mr. Jackson?
24 A. That's simple company protocol. I wouldn't have
25 to tell him that.

1 A. I did not.

2 Q. Did you have any discussions with anyone
3 other than Mr. Gosdeck regarding whether Unisys
4 should re-employ Mr. Jackson?

5 A. Well, I think I testified previously that
6 Catherine Ruggieri had called me and told me that Ray was
7 reapplying, but other than those two conversations,
8 that's the only conversations that I had.

9 Q. Will you look at what's been marked as
10 P-8?

11 Could you turn to the document marked D
12 00388? Do you recall that Mr. Jackson,
13 through counsel, made a request for his
14 personnel file?

15 A. I have no independent recollection of that other
16 than looking at this exhibit.

17 Q. Is it fair to say you have no
18 independent recollection of what steps you took
19 to make sure that his personnel file was
produced pursuant to his request?

20 A. I don't understand your question.

21 Q. Sure. Do you recall what steps, if
22 any, you took to respond to the personnel file
23 request; in other words, did you do it
24 yourself or did you delegate it to someone?

25 A. No. One of my paralegals would have done that.

1 employment, including but not limited to all
2 communications related to his proposed rehire
3 by Claudia Langguth."

4 Did you, in fact, put a litigation
5 hold on the documents described in my letter to
6 you?

7 A. Yes.

8 Q. And do you recall whether you
9 communicated to -- or to whom you communicated
10 the need to place a litigation hold on those
11 documents?

12 A. I don't know each individual that I issued it to,
13 but typically my practice is to issue it to people who
14 have had some involvement in the underlying dispute.
15 So, it would have been Claudia, Ron, Catherine, and
16 perhaps Virginia.

17 Q. And would you have issued that directive
18 in written form?

19 A. Yes. Typically that would come from one of our
20 paralegals.

21 Q. And did you apply the litigation hold to
22 your own notes?

23 A. Yes.

24 Q. Do you know who made the decision to
25 characterize Mr. Jackson's termination as a

1 layoff?

2 A. I believe that would have been a joint decision.

3 Q. And what's the basis to your belief?

4 A. That's my recollection, that it was a decision
5 that was made between myself and Jack Hughson.

6 Q. And do you recall the rationale for

7 making that decision with Mr. Hughson?

8 MR. ELLIS: I would think that might get into
9 legal advice.

10 MR. SALMANSON: I was just asking whether he
11 recalls the rationale.

12 MR. ELLIS: Okay.

13 MR. SALMANSON: I'm not asking for the
14 rational.

15 MR. ELLIS: Okay.

16 MR. SALMANSON: I think that's going to be the
17 next question that might evoke the privilege.

18 BY MR. SALMANSON:

19 Q. Do you recall the rational for that
20 decision?

21 A. Yes.

22 Q. And what was the rational for that
23 decision?

24 MR. ELLIS: I object and instruct the witness
25 not to answer.

1 THE WITNESS: Can I confer with counsel?
2 MR. ELLIS: Yes. Sure.

3 MR. SALMANSON: Sure.

4 (Whereupon, an off-the-record discussion was
5 held.)

6 (Whereupon, the previous question was read by
7 the court reporter.)

8 MR. ELLIS: We are going to withdraw the
9 objection to that question and Mr. Teklits will answer
10 that question.

11 MR. SALMANSON: Okay.

12 MR. ELLIS: Then we will see where we go from
13 there.

14 BY MR. SALMANSON:

15 Q. Okay.

16 A. The rational was to provide Ray with severance
17 benefits.

18 Q. And under Unisys's then-existing
19 policies was an employee -- a terminated
20 employee only entitled to severance if he or
21 she were laid off?

22 A. Yes.

23 Q. And if Mr. Jackson had been terminated
24 for cause, is it correct that at the time he
25 would not have been eligible for severance?

1 MR. SALMANSON: Let me try that again. Fair
2 enough.

3 BY MR. SALMANSON:

4 Q. In exercising the authority in Mr.
5 Jackson's case to characterize his termination
6 as a layoff did you have discussions with
7 anyone to inform you or which played a factor
8 in your decision to characterize Mr. Jackson's
9 termination as a layoff?

10 A. Yes.

11 Q. And who are those individuals?

12 A. Catherine Ruggieri.

13 Q. Do you recall whether you had any
14 discussions with Virginia Clark that led to
15 your decision to characterize Mr. Jackson's
16 termination as a layoff?

17 A. I don't recall any.

18 Q. And were the discussions with Miss
19 Ruggieri the same discussions to which you
20 described earlier?

21 Let me try that again: Were the
22 discussions with Miss Ruggieri to which you
23 just testified the same discussions that you
24 described earlier in your deposition?

25 A. Do you mean when I said I had multiple discussions

1 -- many, many discussions with Catherine over a period of
2 months?

3 Q. Yes.

4 A. They would be included in those many, many
5 discussions.

6 Q. Do you recall whether you had any
7 discussions with Miss Ruggieri where the
8 particular topic was how to characterize Mr.
9 Jackson's termination?

10 MR. ELLIS: You mean, a conversation in which
11 that was the only topic?

12 MR. SALMANSON: Or either the only topic or
13 among the topics that were discussed in a particular
14 conversation.

15 THE WITNESS: Well, eventually there would
16 have been a conversation that discussed that to insure
17 that she agreed with the approach.

18 BY MR. SALMANSON:

19 Q. And do you recall having such a
20 discussion with Miss Ruggieri in that regard?

21 A. Specifically, no.

22 Q. Do you recall whether you maintained any
23 notes of conversations related to the topic of
24 how to characterize Mr. Jackson's termination?

25 A. No.

EXHIBIT
F

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAY JACKSON : CIVIL ACTION

VS. :
:

UNISYS, INC. : NO. 08-3298

- - -
October 7, 2009
Philadelphia, Pennsylvania
- - -

Oral deposition of RON GOSDECK,
taken in the offices of Salmanson & Goldshaw,
Two Penn Center Plaza, 12th Floor
on the above date, commencing at or about
10:33 a.m., before Janice M. Leaman, a
Notary Public and an Approved
Reporter of the United States District Court
For The Eastern District of Pennsylvania.

- - -
KAPLAN, LEAMAN & WOLFE
Registered Professional Reporters
325 Chestnut Street, Suite 909
Philadelphia, Pennsylvania 19106
(215) 922-7112

1 learned that Mr. Jackson was interested in
2 being re-employed by Unisys in the summer of
3 2005?

4 A. I was advised by Joe Teklits that Ray had applied
5 for a position.

6 Q. Did Mr. Teklits inform you how he became
7 aware of that situation?

8 A. I don't recall.

9 Q. And Mr. Teklits is counsel for Unisys?

10 A. Correct.

11 Q. And what do you recall Mr. Teklits
12 telling you at the time?

13 A. As I recall, he was merely advising me that Ray
14 was applying for a position, and that I should probably
15 talk to his current manager before we proceeded with any
16 type of a hire.

17 Q. Anything else that you can recall Mr.
18 Teklits telling you in that conversation?

19 A. No.

20 Q. Did Mr. Teklits inform you how he became
21 aware that Mr. Jackson was applying for a new
22 position?

23 A. I don't believe so.

24 Q. What is your current position at Unisys?

25 A. Current position is vice president of global

1 want to look at hiring Ray and we may not want
2 to do that?

3 A. We may -- we want to look at not -- let me --

4 Q. Okay. I may have misheard you, but
5 that's why I was asking, because it seemed
6 inconsistent?

7 A. Clarity is good.

8 Q. I don't think you --

9 A. The discussion would have been around our desire
10 not to hire Ray Jackson; how is that?

11 Q. Okay. Fair enough. And was that
12 based on any independent views you had as to
13 Mr. Jackson's performance?

14 A. No, because I would not have had a view to Mr.
15 Jackson's performance. He didn't work in my
16 organization and I had no access to that data.

17 Q. How did you first become aware that Mr.
18 Jackson had had performance issues prior to his
19 layoff?

20 A. From a conversation with Catherine Ruggieri and
21 Virginia Clark.

22 Q. And do you know how that conversation
23 was initiated?

24 A. When Joe Teklits advised me that we might want to
25 look at the fact that Ray was applying go for a job in

1 public sector and should talk to his prior management.

2 Q. Do you have an understanding of how far
3 along the requisition process for the position
4 that Mr. Jackson wanted to fill got?

5 A. It's my understanding that the requisition was
6 entered in the system, but never approved.

7 Q. And when a requisition is opened or
8 entered in the system it's not tied to a
9 particular individual; correct?

10 A. Correct.

11 Q. Do you know whether, in fact, an
12 individual was hired to fill the role that Mr.
13 Jackson was looking to fill, either through
14 that requisition, or any other?

15 A. I do not.

16 Q. How long does it typically take, if
17 there is a typical time period, between the
18 time a requisition is entered and it being
19 ultimately approved?

20 A. There is no easy answer for that question.

21 Q. I had a feeling there wasn't.

22 Does it depend on how quickly the
23 position needs to be filled?

24 A. It depends on a variety of factors, the difficulty
25 of the position, it could be that a manager says to the